



#4

Docket No.: 102863-2  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Ronald J. Kolata, et al.

Application No.: 09/845,898

Group Art Unit: 3739

Confirmation No.: 4070

Examiner: Not Yet Assigned

Filed: April 30, 2001

For: HEART PRESENTATION DEVICE  
AND METHOD

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: **BOX MISSING PARTS**, Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: Aug. 10, 2001

Signature:

(Lisa J. Michaud)

**BOX MISSING PARTS**

Commissioner for Patents  
Washington, DC 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF NON-PROVISIONAL APPLICATION**

Dear Sir:

In response to the Notice to File Missing Parts of Non-Provisional Application—Filing Date Granted mailed June 25, 2001; Applicant respectfully submits the following documents:

1. Fee Transmittal Form;
2. Part 2 of PTO Form of Notice to File Missing Parts of Non-Provisional Application;
3. Executed Declaration and Power of Attorney Form;
4. Request for Correction of Filing Receipt together with a copy of the filing receipt with changes marked in red ink; and
5. Return postcard.

Application No. 09/845,898  
Confirmation No. 4070

2

Docket No. 102863-2

Our check in the amount of \$130.00 covering the fee set forth in 37 CFR 1.16(e) is enclosed. The Commissioner is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 102863-2.

Dated: Aug. 10, 2001

Respectfully submitted,

By 

Lisa J. Michaud

Registration No.: 44,238

NUTTER, MCCLENNEN & FISH, LLP

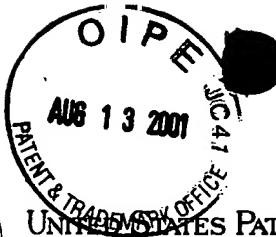
One International Place

Boston, Massachusetts 02110-2699

(617) 439-2550 (Telephone)

(617) 310-9550 (Facsimile)

Attorney for Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/845,898	04/30/2001	Kolata J. Ronald	102863-2

CONFIRMATION NO. 4070

021125  
NUTTER MCCLENNEN & FISH LLP  
ONE INTERNATIONAL PLACE  
BOSTON, MA 02110

## FORMALITIES LETTER



\*OC000000006219299\*

Date Mailed: 06/25/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

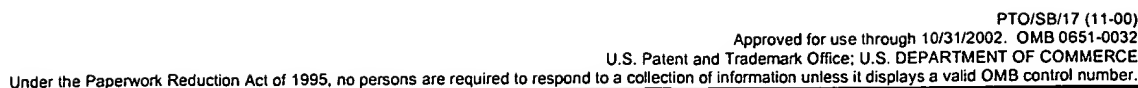
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

08/15/2001 SMINASS1 00000077 09845898

01 FC:105

130.00 0P



**Patent fees are subject to annual revision.**

**Complete if Known**

Application Number	09/845,898 (Conf. No. 4070)
Filing Date	April 30, 2001
First Named Inventor	Ronald J. Kolata
Examiner Name	Not Yet Assigned
Group Art Unit	3739
Attorney Docket No.	102863-2

### METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit  
Account  
Number

141449

Deposit  
Account  
Name

☒ Charge Any Additional Fee Required Under 37 C.F.R. 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed

☒ Check ☐ Credit Card ☐ Money Order ☐ Other

### FFF CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	240	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

<b>SUBTOTAL (1)</b>	<b>(\$)</b>
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## 2. EXTRA CLAIM FEES

2. EXTRA CLAIM FEES		Extra Claims	Fee from below	Fee Paid
Total Claims	<input type="text"/>	..** = <input type="text"/>	X <input type="text"/>	= <input type="text"/>
Independent Claims	<input type="text"/>	..** = <input type="text"/>	X <input type="text"/>	= <input type="text"/>
Multiple Dependent				= <input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

**\*\*or number previously paid, if greater; For Reissues, see above**

**FEE CALCULATION (continued)**

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge – late filing fee or oath	130.00
127	50	227	25	Surcharge – late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive – unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR 1.129(a))	
149	710	249	355	For each additional invention to be examined (37CFR 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

<b>SUBTOTAL (3)</b>	<b>(\$)</b>	<b>130.00</b>
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## SUBMITTED BY

Name (print/type)	Lisa J. Michaud
-------------------	-----------------

Registration No.  
(Attorney/Agent)

44,238

Complete (if applicable)

Telephone	(617) 439-2550
-----------	----------------

Signature \_\_\_\_\_

Date \_\_\_\_\_

8/10/01

### Fee Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: **BOX MISSING PARTS**, Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: 8/10/01

**Signature:**

(Lisa J. Michaud)



Receipt  
#5

Docket No.: 102863-2  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Ronald J. Kolata, et al.

Application No.: 09/845,898

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Dated: Aug. 10, 2001

Signature:

(Lisa J. Michaud)

**BOX MISSING PARTS**  
Commissioner for Patents  
Washington, DC 20231

**REQUEST FOR CORRECTION OF FILING RECEIPT**

Dear Sir:

Applicant respectfully requests a corrected filing receipt for the above-referenced patent application. The following changes are requested:

1. The correct full name of the first inventor is: **Ronald J. Kolata**;
2. The correct spelling of the residence for the second inventor is: **Maineville, OH**;
3. The correct full name of the third inventor is: **Christopher J. Hess**;
4. The correct full name of the fourth inventor is: **Gary W. Knight**; and
5. The correct full name of the fifth inventor is: **Kristin L. Jambor**.

Application No. 09/845,898  
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Docket No. 102863-2

Enclosed is a copy of the filing receipt with the desired changes marked in red ink. Once the changes have been made, please forward the corrected filing receipt at your earliest convenience. Should any questions arise concerning the foregoing, please contact the undersigned at the telephone number listed below.

Dated: Aug. 10, 2001

Respectfully submitted,

By   
Lisa J. Michaud

Registration No.: 44,238

NUTTER, MCCLENNEN & FISH, LLP  
One International Place  
Boston, Massachusetts 02110-2699  
(617) 439-2550 (Telephone)  
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Attorney for Applicant



## UNITED STATES PATENT AND TRADEMARK OFFICE

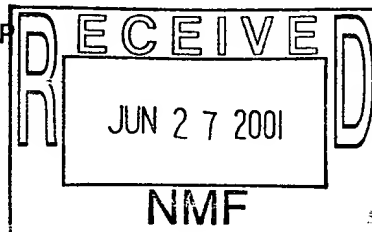
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WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/845,898	04/30/2001	3739	1016	102863-2 ✓	8	37	3

CONFIRMATION NO. 4070

021125

NUTTER MCLENNEN & FISH LLP  
ONE INTERNATIONAL PLACE  
BOSTON, MA 02110



## FILING RECEIPT



\*OC00000006219298\*

Date Mailed: 06/25/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

## Applicant(s)

Kolata J. Ronald, Cincinnati, OH;  
Michael F. Clem, Maineville, OH;  
Hess J. Christopher, Lebanon, OH;  
Knight W. Gary, Westchester, OH;  
Kristin J. Jambor, Cincinnati, OH;  
David L. Hamann, Cincinnati, OH;

RONALD J. KOLATA  
MAINEVILLE OH  
CHRISTOPHER J. HESS  
GARY W. KNIGHT  
KRISTEN L. JAMBOR

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted 06/22/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

## Title

Heart positioning device and method

**Preliminary Class**

606

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**Data entry by : CETIN, CHIN**

**Team : OIPE**

**Date: 06/25/2001**

**[REDACTED]**